

The Gazette of India



EXTRAORDINARY PART II—Section 3—Sub-section (ii) PUBLISHED BY AUTHORITY

No 103] NEW DELHI, THURSDAY, JUNE 6, 1963/JYAISTHA 16 1885

MINISTRY OF FINANCE (Department of Economic Affairs)

NOTIFICATIONS

New Delhi, the 6th June 1963

S.O. 1592—Whereas the Central Government has received a request in writing from the governing body of the Stock Exchange, Bombay that the bye-laws made by it may be amended

Now therefore, in exercise of the powers conferred by sub-section (1) of section 10 of the Securities Contracts (Regulation) Act 1956 (42 of 1956), the Central Government hereby makes the amendments to the bye-laws of the Stock Exchange, Bombay specified in the Schedule below, and in pursuance of the proviso to sub-section (4) of that section the Central Government in the interest of the trade and with a view to enable the Stock Exchange, Bombay to commence bargains for the clearing under its bye-laws without delay, hereby dispenses with the condition of previous publication of the said amendments to the bye-laws

SCHEDULE

In the bye-laws of the Stock Exchange, Bombay

- (1) For Bye-law 46, the following shall be substituted, namely:—

"Conditions of Admission to the Cleared Securities List

46 The Governing Board shall from time to time specify the securities admitted to dealings on the Exchange which shall be included in the Cleared Securities List but no securities shall be so included unless the following conditions are satisfied, namely—

- (i) The securities are fully paid-up equity shares of a Company other than a banking company
- (ii) The securities have been admitted to dealings for at least three years on any Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956, or in the case of a merger Company the securities of the principal merging Companies had been so admitted to dealings for at least three years previous to the date of merger
- (iii) The securities are not included in the Cleared Securities List of any other Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956
- (iv) The Company is of sufficient magnitude and public importance and the subscribed capital represented by the securities is at least Rs 25 lakhs

and their aggregate value at the ruling market price is at least one crore of rupees.

- (v) There is adequate public interest in the Company and at least 49 per cent of the capital represented by the securities is held by the public and such holdings are broadly and evenly distributed among a large number of shareholders without any undue concentration in the hands of a few persons.

Explanation.—For purposes of sub-clause (v) of this provision the word “public” shall be deemed to exclude Directors, Managing Directors, Managing Agents, Secretaries and Treasurers and where the Managing Agents or Secretaries and Treasurers are a partnership firm or a private limited Company the partners of such firm and members of such Company; the nominees and the husband, wife, brother, or sister of the persons aforesaid and any private or public limited Company in which such persons have a controlling interest or which is under their management or supervision”;

(2) in Bye-law 52, for clauses (d) and (e), the following shall be substituted, namely:—

“Carry-Over Bargains deemed to be at Making-up Price

(d) Carry-over bargains in any Cleared Security shall be deemed to be at the making-up price fixed for the security for the current Clearing.”

“Performance of Bargains in Cleared Securities

(e) Bargains in Cleared Securities entered into during a Clearing may be closed by purchase or sale during the Clearing or carried-over to the ensuing Clearing. All bargains entered into during the Clearing that remain outstanding at the close of business on the last business day shall be performed by delivery and payment on the days fixed for the purpose.”;

(3) Bye-law 222 shall be renumbered 222(a), and after the Bye-law so renumbered, the following new clause (b) shall be inserted, namely:—

“Carry-over Contracts at Other than Special Making-up Price when Void

(b) Save as otherwise provided in these Bye-laws and Regulations carry-over contract notes rendered by members to their constituents shall be at the special making-up price fixed as prescribed in the relative Regulation notwithstanding that the corresponding bargains have been entered into at a price other than such special making-up price. Carry-over contracts between members and their constituents either as agent to principal or as principal to principal in respect of which contract notes are not rendered as prescribed herein shall be deemed void.”;

(4) in Bye-law 354, in sub-clause (vi) of clause (a), for the full-stop at the end, a semi-colon shall be substituted; and after the said sub-clause, the following new sub-clause (vii) shall be inserted, namely:—

“(vii) carry-over contracts between members and their constituents either as agent to principal or as principal to principal in respect of which contract notes are not rendered to constituents at the special making-up price as provided in these Bye-laws and Regulations.”

[No. F.24/14/SE/EAD/63.]

S.O. 1593.—Whereas the Central Government has received a request in writing from the governing body of the Madras Stock Exchange Ltd., Madras that the bye-laws made by it may be amended.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 10 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), the Central Government hereby makes the amendments to the bye-laws of the Madras Stock Exchange Ltd., Madras specified in the Schedule below, and in pursuance of the proviso to sub-section (4) of that section the Central Government, in the interest of the trade, and with a view to enable the said Stock Exchange to commence bargains for the clearing under its bye-laws without delay, hereby dispenses with the condition of previous publication of the said bye-laws.

SCHEDULE

In the bye-laws of the Madras Stock Exchange Ltd., Madras,

(1) for bye-law 46, the following shall be substituted, namely:—

"Conditions of Admission to the Cleared Securities List"

46. The Council of Management shall from time to time specify the securities admitted to dealings on the Exchange which shall be included in the Cleared Securities List but no securities shall be so included unless the following conditions are satisfied, namely:—

- (i) The securities are fully paid-up equity shares of a Company other than a banking company.
- (ii) The securities have been admitted to dealings for at least three years on any Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956, or in the case of a merger Company the securities of the principal merging Companies had been so admitted to dealings for at least three years previous to the date of merger.
- (iii) The securities are not included in the Cleared Securities List of any other Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956.
- (iv) The Company is of sufficient magnitude and public importance and the subscribed capital represented by the securities is at least Rs. 25 lakhs and their aggregate value at the ruling market price is at least one crore of Rupees.
- (v) There is adequate public interest in the Company and at least 49 per cent. of the capital represented by the securities is held by the public and such holdings are broadly and evenly distributed among a large number of shareholders without any undue concentration in the hands of a few persons.

Explanation.—For purposes of sub-clause (v) of this provision the word "public" shall be deemed to exclude Directors, Managing Directors, Managing Agents, Secretaries and Treasurers and where the Managing Agents or Secretaries and Treasurers are a partnership firm or a private limited Company the partners of such firm and members of such Company; the nominees and the husband, wife, brother, or sister of the persons aforesaid and any private or public limited Company in which such persons have a controlling interest or which is under their management or supervision."

(2) in Bye-law 52, for clauses (d) and (e), the following shall be substituted, namely:—

"Carry-over Bargains Deemed to be at Making-up Price"

(d) Carry-over bargains in any Cleared Security shall be deemed to be at the making-up price fixed for the security for the current Clearing."

"Performance of Bargains in Cleared Securities."

(e) Bargains in Cleared Securities entered into during a Clearing may be closed by purchase or sale during the Clearing or carried-over to the ensuing Clearing. All bargains entered into during the Clearing that remain outstanding at the close of business on the last business day shall be performed by delivery and payment on the days fixed for the purpose";

(3) Bye-law 219 shall be renumbered 219(a) and after the Bye-law so renumbered, the following new clause (b) shall be inserted, namely:—

"Carry-over Contracts at Other Than Special Making-up Price when Void"

(b) Save as otherwise provided in these Bye-laws and Regulations carry-over contract notes rendered by members to their constituents shall be at the special making-up price fixed as prescribed in the relative Regulation notwithstanding that the corresponding bargains have been entered into at a price other than such special making-up price. Carry-over contracts between members and their constituents either as agent to principal or as principal to principal in respect of which contract notes are not rendered as prescribed herein shall be deemed void.";

(4) in Bye-law 349(a) in sub-clause (v) of clause (a), for the full-stop at the end, a semi-colon shall be substituted; and after the said sub-clause, the following new sub-clause (vi) shall be inserted, namely:—

“(vi) carry-over contracts between members and their constituents either as agent to principal or as principal to principal in respect of which contract notes are not rendered to constituents at the special making-up price as provided in these Bye-laws and Regulations.”

[No. 24/14/SE/EAD/63.]

A. BAKSI, Jt. Secy.